

February 5 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANASupreme Court Cause No. DA 10-0055

Scott Heddings, Pro Se
#09156-046
FCI Englewood
9595 W. Quincy Ave.
Littleton, CO 80123

Scott P. Heddings,
Appellant,

v.

State of Montana,
Appellee.

FILED

FEB - 5 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE OF APPEAL

NOTICE is given that Scott P. Heddings, the Appellant above-named and who is the Petitioner in that cause of action filed in the Eighth Judicial District, in and for the County of Cascade, as Cause No. CDV-09-093, hereby appeals to the Supreme Court of the State of Montana from the final judgement or order entered in such action on the 13th day of January, 2010.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by M.R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under M.R. Civ. P. 54(b).
3. That the notice required by M.R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M.R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 2nd day of February, 2010.

Scott P. Heddings
Scott P. Heddings,
Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Clerk of the District Court
415 2nd Ave. North
Great Falls, MT 59401

Cascade County Attorney,
Marvin Anderson
121 4th St. North
Great Falls, MT 59401

Montana Attorney General
P.O. Box 201401
Helena, MT 59620

Dated this 2nd day of February, 2010.

Scott P. Heddings
Scott P. Heddings,
Appellant
#09156-046
9595 W. Quincy Ave.
Littleton, CO 80123

RE: Request transcripts of the proceedings

Attn: Clerk of the Cascade County District Court

In accordance with the Montana Rules of Appellate Procedure Rule 8(3), I am hereby requesting copies of transcripts of the following proceedings, to be forwarded to the Clerk of the Montana Supreme Court in the format required by the Rules.

These transcripts are needed for the Court for the appeal that I have filed in relation to the recently ruled on case in Cascade County.

Transcripts and copies of the proceedings of the following cases are needed:

Sentencing hearing (10-23-07) - CDC-05-489
Sentencing Order - CDC-05-489

Proceedings related to Petition for Postconviction Relief - CDV-09-093.

A copy of my Motion and Affidavit in Support of Motion to Proceed on Appeal Without Payment of Filing Fee, which shows my inability to pay the costs of the transcripts, per Rule 5 of M.R. App.P.



Scott P. Heddings,
Appellant

2-2-10

Date

cc: Clerk of the Montana Supreme Court
Montana Attorney General